

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
Plaintiff,

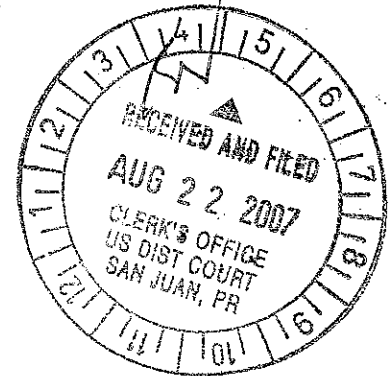
v.

[1] NESTOR FONTANEZ,  
aka Chicky  
[2] FRANCISCO GUERRA HERNANDEZ,  
aka Frankie  
[3] LUIS MERCEDES FERNANDEZ,  
[4] RAIZA SANCHEZ,  
[5] JOSE FRANCO SANTIAGO,  
[6] NARCISO CASTILLO RESTITUYO,  
aka el Teniente,  
[7] JOSE CAPELLAN GARCIA,  
aka Arlin,  
[8] MARCOS DE LA CRUZ,  
aka Marcito,  
Defendants.

Criminal No. 07- 344 (DRD)

Violations: Title 18 U.S.C. §§ 2,  
924(c), and 1951

(TWO COUNTS)



THE GRAND JURY CHARGES

COUNT ONE

1. At all times material to this Count, the victims whose property was to be obtained were engaged in commercial activities in interstate commerce or industries which affect interstate commerce.

2. From on or about the July 2002 up to on or about September 2002, in the United States, in the District of Puerto Rico, and within the jurisdiction of this court,

[1] NESTOR FONTANEZ,  
aka Chicky  
[2] FRANCISCO GUERRA HERNANDEZ,  
aka Frankie  
[3] LUIS MERCEDES FERNANDEZ,  
[4] RAIZA SANCHEZ,  
[5] JOSE FRANCO SANTIAGO,  
[6] NARCISO CASTILLO RESTITUYO,  
aka el Teniente,

the defendants herein, did knowingly, willfully, unlawfully and intentionally combine, conspire, confederate and agree with each other and with divers other persons to the Grand Jury known and unknown, to unlawfully obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, section 1951(b)(1), by the unlawful taking or obtaining property, consisting of money belonging to businesses or industries engaged in interstate commerce or affecting interstate commerce, from the persons of or in the presence of the owners or possessors of said money, against their will by means of actual and threatened force, violence, or fear of injury, immediate or future, to their persons. All in violation of Title 18, United States Code, section 1951(a).

#### **OVERT ACTS**

1. On or about July 2, 2002, defendants [1] **NESTOR FONTANEZ** aka Chicky, [4] **RAIZA SANCHEZ** and Ruben Hernandez, a co-conspirator not charged herein, did take property from the owner or possessor consisting of money belonging to the Super Video Market Club in Santurce, Puerto Rico by means of actual and threatened force, violence, fear, or fear of injury, immediate or future, to the person of the possessor.

2. On or about July 9, 2002, defendants [1] **NESTOR FONTANEZ** aka Chicky and [7] **JOSE CAPELLAN GARCIA** aka Arlin and Ruben Hernandez, a co-conspirator not charged herein, did take property from the owner or possessor consisting of money belonging to Centro Ahorros Supermarket, Puerto Nuevo, Puerto Rico by means of actual and threatened force, violence, fear, or fear of injury, immediate or future, to the person of the possessor.

3. On or about July 2002, defendants [1] **NESTOR FONTANEZ** aka Chicky, [2] **FRANCISCO GUERRA HERNANDEZ** aka Frankie, Ruben Hernandez and Jairo Del Rosario aka Wellington, co-conspirators not charged herein, did take property from the owner or

possessor consisting of money belonging to Candela's Beauty Salon, Rio Piedras, Puerto Rico by means of actual and threatened force, violence, fear, or fear of injury, immediate or future, to the person of the possessor.

4. On or about August 7, 2002, defendants [1] **NESTOR FONTANEZ** aka Chicky, [3] **LUIS MERCEDES FERNANDEZ**, [5] **JOSE FRANCO SANTIAGO**, [6] **NARCISO CASTILLO RESTITUYO** aka el Teniente and Ruben Hernandez, a co-conspirator not charged herein, did take property from the owner or possessor consisting of money belonging to CM Express by means of actual and threatened force, violence, fear, or fear of injury, immediate or future, to the person of the possessor.

4. On or about September 25, 2002, defendants [6] **NARCISO CASTILLO RESTITUYO** aka el Teniente, [8] **MARCOS DE LA CRUZ** aka Marcito and Ruben Hernandez (a co-conspirator not charged herein) did take property from the owner or possessor consisting of money belonging to Juliu's Restaurant, Puerto Nuevo, Puerto Rico by means of actual and threatened force, violence, fear, or fear of injury, immediate or future, to the person of the possessor.

5. Count Two is hereby incorporated by reference and further alleged as an overt act in furtherance of the conspiracy charged herein.

#### **COUNT TWO**

1. That at all times material to this Count, the victim whose property was to be obtained was engaged in commercial activities in interstate commerce or industries which affect interstate commerce.

2. On or about September 25, 2002, in the District of Puerto Rico, and elsewhere within the jurisdiction of this Court,

[6] NARCISO CASTILLO RESTITUYO,  
aka el Teniente,  
[8] MARCOS DE LA CRUZ,  
aka Marcito,

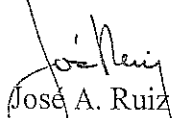
the defendants herein, aided and abetted by each other, and others known and unknown to the grand jury, did knowingly and intentionally conspire, confederate, and agree with each other to obstruct, delay, or affect commerce, as that term is defined in Title 18, United States Code, section 1951, or the movement of any articles of commodities in commerce, by robbery, as that term is defined in title 18, United States Code, section 1951, by unlawfully taking or obtaining property consisting of money belonging to Jiliu's Restaurant, Puerto Nuevo, from the person of, or in the presence of, the owner or possessor of said money, against the will of the possessor by means of actual or threatened force, violence, fear, or fear of injury, immediate or future, to the person of the possessor or the person of a relative or member of the family of the possessor, all in violation of Title 18, United States Code, sections 1951 and 2.

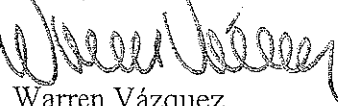
TRUE BILL

Foreperson

Date: 08/22/07.

ROSA EMILIA RODRIGUEZ VELEZ  
United States Attorney

  
José A. Ruiz  
Assistant U.S. Attorney  
Chief, Criminal Division

  
Warren Vázquez  
Assistant U.S. Attorney  
Deputy Chief, Criminal Division

  
Julie B. Mosley  
Assistant United States Attorney